

### **REMARKS**

The Office Action mailed August 27, 2010 has been carefully considered by the Applicant. Reconsideration is respectfully requested.

Claims 1-7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Uchida U.S. Patent No. 6,704,467 and further in view of Ringland et al U.S. Patent No. 6,122,391. Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Uchida '467 and Ringland et al '391 and further in view of Kinumura et al U.S. Patent No. 6,999,213. The claim rejections are respectfully traversed for at least the following reasons.

#### **Claim 1**

Contrary to the Examiner's analysis, Uchida '467 does not disclose *storing values consistent with the grey scale level of desire in a memory associated with the display device to form an operator-specific target grey scale level*.

Uchida '467 discloses a scanning and printing process that allows a user to readily modify portions (i.e. blocks) of the scanned image prior to printing. The scanned image is displayed on a display device with portions of the image having superimposed blocks thereon. Via an input device, the user can input a "block designation command" designating one of the image blocks. Upon designation, a list of function commands is provided for the designated image block. Each function command relates to specific attribute data for the designated image block. That is, image edit function commands 33 are provided in a list, each being used to initiate application of a particular image edit function module 32 to the image data in the selected block. Column 10, line 55 – column 11, line 28 provides examples of the respective image edit function commands and image edit function modules. For example, contrast adjustment command 139 implements contrast adjustment function 159 in order to adjust the contrast of a designated image block of an image.

The Examiner incorrectly cites column 7, lines 1-7, as disclosing *storing values consistent with the grey scale level of desire in a memory associated with the display device to form an operator-specific target grey scale level*. In fact, the passage cited by the Examiner

merely indicates that a history of the particular commands can be stored according to a designated user profile. These commands are not equivalent to a stored *grey scale level of desire*. Rather, once a stored command is selected, a user would still need to apply the related function (as described above) to thereby adjust the characteristic of the image on the display.

It follows from the above that Uchida '467 also does not disclose *accessing the memory to retrieve therefrom information regarding the operator-specific target grey scale level when the operator picks up a new image for examination*. Instead, each new image that is scanned by Uchida '467 requires application of the noted image block superimposition, entry of a block designation command, selection by the user of a function command list (which as explained above may be stored in the user's profile), and then selection of a particular function command to thereafter apply the noted image edit function module.

It also follows that Uchida '467 does not disclose *automatically calculating an individual transformation function relevant to the new image based on the information; and automatically adjusting the new image to the operator-specific target grey scale level based on the individual transformation function*. There is no "new image" for which a transformation function is calculated and there certainly is no adjustment to a target grey scale level because as explained above, Uchida '467 does not store a target grey scale level for application to new images.

Ringland et al '391 does not fill the gaps left by Uchida '467. The Examiner has not specifically applied Ringland et al '391 in the Office Action other than to mention it in the initial basis for rejection. Therefore further commentary on this fact is not necessary.

Claim 1 is therefore believed allowable. Such action is respectfully requested.

#### Claims 2-5

Claims 2-5 depend from claim 1 and are thus allowable at least for the reasons stated above. Claim 2 is amended to correct a typographical error.

Claim 6

Among other things, claim 6 recites:

*retaining image brightness automatically by control of contrast, wherein each value of contrast control results in an automated selection of the brightness value wherein a minimum amount of the image area is visible in black or white while a maximum amount of the image area is visible in tones of grey.*

The Examiner has not set forth a *prima facie* case of obviousness with respect to claim 6. In the Office Action, the Examiner merely states "claims 6 and 7 are similarly analyzed the same as claim 1". Claim 1 does not recite the above-noted step and therefore the Examiner's analysis regarding claim 1 is largely irrelevant to the recitation of claim 6. In fact, none of the prior art cited by the Examiner discloses the above-recited method step. Claim 6 is therefore allowable and such action is respectfully requested.

Claim 7

Claim 7 is believed allowable at least for the reasons stated above regarding claim 1. The prior art including Uchida '467, Ringland et al '391 and Kinumura et al '213 does not disclose the recited *memory means for storing therein values relevant to the operator-specific target grey scale level; and computing means for calculating an individual image-specific transformation function for each new image to be examined by the operator.*

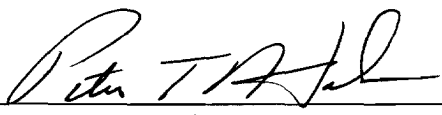
Allowance of claim 7 is therefore appropriate and requested.

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Conclusion

The present application is thus believed in condition for allowance. Such action is respectfully requested.

Respectfully submitted,  
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